

Appl. No. 10/694,592
Amdt. Dated July 28, 2008
Reply to Office Action of February 28, 2008

REMARKS

Reconsideration of the application is requested.

Applicant appreciatively acknowledges the Examiner's confirmation of receipt of applicant's claim for priority under 35 U.S.C. § 119(a)-(d).

Claims 12-28 and 30 are now in the application. Claims 12-28 and 30 are subject to examination. Claims 12, 13, 18, and 30 have been amended. Claim 29 has been canceled to facilitate prosecution of the instant application.

Under the heading "Specification" on page 2 of the above-identified Office Action, the Examiner objected to the specification. The Examiner provided examples of some allegedly unclear, inexact, or verbose terms used in the specification. The Examiner stated that the term "figure 1b" should be changed to "Fig. 1B", and the term "figure 2a" should be changed to "Fig. 2A".

All occurrences of the term "figure x" have been changed to "Fig. X".

Under the heading "Abstract" on pages 2 and 3 of the above-identified Office Action, the Examiner stated that two abstracts are on file and that the one in the correct format has been considered.

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Under the heading "Claim Objections" on page 3 of the above-identified Office Action, the Examiner objected to claim 29 under 37 CFR 1.75 as being a substantial duplicate of claim 18.

Claim 29 has been canceled.

Under the heading "Claim Rejections – 35 USC § 112" on pages 3 and 4 of the above-identified Office Action, claims 13 and 18 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

With regard to claim 13, the Examiner stated that the terms, "a supply voltage related to an internal reference ground" couldn't be understood. Claim 13 has been amended to even more clearly define the intended limitation.

Claim 13 now specifies: providing a supply voltage referenced to an internal reference ground potential in the bus subscribers.

Claim 18 provides proper antecedent basis by specifying, "at least one of said bus subscribers having: ... at least one fault identification device".

Under the heading "Claim Rejections – 35 USC § 112" on page 4 of the above-identified Office Action, claims 18 and 29 have been rejected under 35 U.S.C. § 112, second paragraph.

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Claim 18 has been amended such that it no longer depends from a method claim. Claim 18 now defines a fault identification device that is "configured to" perform the steps that are defined in claim 12. Such language is proper. Claim 29 has been canceled.

Under the heading "Claim Rejections – 35 USC § 112" on page 4 of the above-identified Office Action, claim 26 apparently has been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

Claim 26 depends from claim 18, which provides proper antecedent basis for "said at least one fault identification device".

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. The above-noted changes to the claims are provided solely for clarification or cosmetic reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claim for any reason related to the statutory requirements for a patent.

Under the heading "Claim Rejections – 35 USC § 101" on page 4 of the above-identified Office Action, claims 18-28 have been rejected as being directed to non-statutory subject matter under 35 U.S.C. § 101.

Applicant respectfully points out that the claims do in fact define subject matter that is statutory under 35 U.S.C. § 101. The code reads as follows:

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35 U.S.C. 101 Inventions patentable.

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18-28 define a bus system, which is a new and useful machine, and which qualifies for patent protection under 35 U.S.C. § 101.

Additionally, applicant points out that MPEP 706.03 (a)(I) discusses subject matter eligibility in more depth. The only limits placed on statutory subject matter relate to printed matter, a naturally occurring article, and a scientific principle. The bus system, which is defined by claims 18-28 does not relate to printed matter, a naturally occurring article, or a scientific principle.

The Examiner has stated, "The claim does not recite any computer or a machine executing the components stated above". Applicant respectfully points out that this statement does not relate to material that is relevant in making a determination of whether claimed subject matter is statutory or non-statutory subject matter under 35 U.S.C. § 101.

Claims 18-28 define subject matter that is statutory under 35 U.S.C. § 101.

Under the heading "Claim Rejections – 35 USC § 102" on page 5 of the above-identified Office Action, claims 12-22, 25-28, and 30 have been rejected as

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being fully anticipated by U.S. Patent No. 6,034,995 to Eisele et al. under 35 U.S.C. § 102.

Support for the changes to claims 12, 18, and 30 can be found by referring to the translated specification at page 22, lines 1-4.

Claim 12 has been amended to include a step of: carrying out a check for a line fault by a bus subscriber only when the bus subscriber is in the dominant state.

In contrast to the invention as defined by claim 12, Eisele et al. teaches that the subscribers can check for a line fault in either the dominant state or the recessive state. See, for example, column 12, line 34 through column 15, line 57. Eisele et al. do not anticipate the invention as now defined by claim 12.

Claims 18 and 30 include limitations similar to those discussed with regard to claim 12 and they are also not anticipated for the reasons give above.

Under the heading "Claim Rejections – 35 USC § 103" on page 15 of the above-identified Office Action, claim 23 been rejected as being obvious over U.S. Patent No. 6,034,995 to Eisele et al. in view of U.S. Patent No. 4,516,248 to Barclay under 35 U.S.C. § 103.

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Even if there were a suggestion to combine the teachings in the references, the invention as defined by claim 23 would not have been obtained for the reasons given above with regard to claim 18 and the teaching in Eisele et al.

Under the heading "Claim Rejections – 35 USC § 103" on page 156 of the above-identified Office Action, claim 24 been rejected as being obvious over U.S. Patent No. 6,034,995 to Eisele et al. in view of U.S. Patent No. 6,535,028 to Baker under 35 U.S.C. § 103.

Even if there were a suggestion to combine the teachings in the references, the invention as defined by claim 24 would not have been obtained for the reasons given above with regard to claim 18 and the teaching in Eisele et al.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 12, 18, or 30. Claims 12, 18, and 30 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claims 12 or 18.

In view of the foregoing, reconsideration and allowance of claims 12-28 and 30 are solicited.

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In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of two months pursuant to Section 1.136(a) in the amount of \$460.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,



Mark P. Weichselbaum
Reg. No. 43,248

MPW:cgm

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Lerner Greenberg Sterner LLP
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: (954) 925-1100
Fax: (954) 925-1101